

August 25, 2020

Maryland Court of Appeals

Re: Diploma Privilege as a Necessary Temporary Option for Admission to the Maryland Bar

Dear Chief Judge Barbera:

We, the undersigned deans of law schools in Washington, DC, submit these Comments in support of offering diploma privilege as a temporary option for admission to the Maryland Bar at this extraordinary time of a global pandemic.

We appreciate the hard work that the State Board of Law Examiners (SBLE) has put into assessing bar admission during this cycle, as well as the Court of Appeals' careful review of the SBLE's August 18, 2020 report. We especially appreciate the decision to adopt an online bar exam in October 2020. Although we have some concerns about the administration of the online exam, especially for test-takers with disabilities who need testing accommodations, we support the availability of the online option for those who need access to licensing through the October exam in other jurisdictions using the same online exam. We are, of course, pleased that Maryland has entered into a reciprocity agreement with the District of Columbia where many of our graduates will be taking the bar.

In addition to the online exam, we submit that temporary or emergency diploma privilege for those with the intent to practice in Maryland is a necessary and workable option for the following reasons:

- a) Our 2020 graduates have been hit particularly hard with constant changes in the traditional routine that most licensed attorneys have followed over many years; the most recent graduates had no choice but to adapt to an abrupt switch to online classes this past spring in order to complete their Juris Doctor degree, and they had to regroup after canceled in-person exams scheduled initially for July and later for September. The downside is the loss of sustained focus and intensity on bar exam preparation, and that is now coupled with concern about the reliability of the online platform for the October exam.
- b) Our 2020 graduates are prepared for practice having completed a full course of study designed to enable them to practice law responsibly, particularly under the supervision of employers that is traditional for entry-level attorneys.
- c) Ultimate fairness would result in the bar admissions process during this historic pandemic where racial, economic, and health equity issues are in stark focus and disproportionately affect bar applicants who are low-income, diverse, and first-generation college and law school students.
- d) Adequate protection for Maryland consumers of legal services would result based on the high quality of instruction our law schools provide, including excellent experiential programs, and making diploma privilege recipients subject to the attorney discipline and ethics enforcement system to manage any potential complaints.
- e) Greater certainty would result for legal employers that their 2020 hires will be duly licensed to practice law in a reasonable time frame, particularly if there were to be a major glitch in an October online exam administration, and just cause to bypass a February bar exam.

We thank all involved in this effort, including the graduates who have acquitted themselves well in thorough and fact-based advocacy, and in whom we have enormous pride and hope for excellent and effective work in support of their clients throughout their careers. We advocated for temporary diploma privilege in the District of Columbia and New York, and we urge Maryland to do the same on an emergency basis.

Respectfully submitted,

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